











Pamphlet 3 Sheets  
1847  
For Rev Doctor Manschale

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Constitution  
of  
Caroline.

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*Most Rev Archbishop*  
THE CONSTITUTION  
*of Baltimore with*  
ROMAN CATHOLIC CHURCHES

OF THE STATES OF  
*respectful Compliment*  
NORTH-CAROLINA, SOUTH-CAROLINA,

AND

GEORGIA;

WHICH ARE COMPRISED

IN THE

DIOCESS OF CHARLESTON;

AND

PROVINCE OF BALTIMORE.

U. S. A.

AS FULLY AGREED TO, AND ACCEPTED; AFTER REPEATED  
DISCUSSION, BY THE CLERGY AND THE SEVERAL  
CONGREGATIONS, AND REGULARLY CONFIRMED  
BY THE BISHOP.

CHARLESTON:

Printed at the Office of the Seminary.

1825.

*District of South Carolina.*

**B**E IT REMEMBERED, that on the twentieth day of September, Anno Domini, one thousand eight hundred and twenty-six, and in the fifty-first year of the Independence of the United States of America. The General Trustees of the Roman Catholic Church of South Carolina, deposited in this office the title of a book, the right whereof they claim as proprietors in the words following, to wit :

“The Constitution of the Roman Catholic Churches of the States of North-Carolina, South-Carolina and Georgia, which are comprised in the Diocese of Charleston, and Province of Baltimore, U. S. A. as fully agreed to, and accepted; after repeated discussions by the clergy, and the several congregations, and regularly confirmed by the Bishop.

In conformity to an Act of Congress of the United States, entitled “An act for the encouragement of learning, by securing the copies of maps, charts, and books to the authors and proprietors of such copies, during the times therein mentioned;” and also, to an act, supplementary to “An act entitled an act for the encouragement of learning by securing the copies of maps, charts, and books to the authors and proprietors of such copies during the times therein mentioned, and extending the benefit thereof to the arts of designing, engraving, and etching historical and other prints.”

JAMES JERVEY,

District Clerk S. C. D.

## PREFACE.

THE system of government which exists in the Roman Catholic Church is divided into two parts ; the one, of divine institution ; the other, the result of human regulation ; this second part must, necessarily, be so far dependent upon the first as that no one of its provisions shall in any way counteract any principle or provision of the former. Hence it has always, in the Roman Catholic Church, been an invariable and essential rule, that in making those secondary regulations, the principal, if not the exclusive power of legislation should be vested in those persons, who were by the ordinance of our Saviour made the judges and witnesses and preservers of his institutions. A distinction of parts was again made in that portion of the system which was to be the result of human regulation ; It comprises ecclesiastical discipline, and the regulation of those temporalities, or that property, which is necessary for the support of religion : the first portion, that is ecclesiastical discipline, ~~was necessarily to be under~~ the exclusive regulation of those whom the Holy Ghost had placed Bishops to govern the Church of God ; it was never known in the Catholic Church that any other body or individual was admitted to have any power therein. Respecting the second part of this head, three questions presented themselves, viz : How are those means to be procured. In whom are they to be vested. In what manner are they to be expended. A few principles were clear. viz : That the Church had no divine power of taxation. That there was a general obligation on those who partook of the benefit of religion to contribute to its support, and that they who served the altar had a right to live by the altar. Therefore it was plain, that this general right and general obligation should be made operative by some special regulations. These regulations should necessarily be as

variable as the circumstances in which the several separate Churches might be found at different times : hence they could never be permanent, invariable, or uniform throughout the world ; but it was plain that unless there existed a power of restraint as to the mode of regulation, they might in some instances be made in direct opposition to, or incompatible with the divine institution itself. Thus the readiest and most effectual mode of raising money might be by direct simony, or some other mode equally criminal. Church property might be vested in persons, who though professing a regard for religion, were its worst enemies. In its expenditure it might be applied to ends subversive of religion, and in actual contradiction to that for which it was contributed.— The spiritual governors of the Church might on one side feel it their conscientious duty to prescribe to a clergyman a special line of conduct, commanded by the divine law; and the person who controuled the expenditure of the fund, including the means for his support, might withhold from him those means because of his obedience to the lawful command of his proper superior ; and give them to create opposition to the laws of the Church.

We need not have recourse to ancient history, or to foreign nations to shew that those evils have frequently occurred. The scandalous accounts of several churches of the United States, too flagrantly exhibit the exemplification. The experience of the early ages also proved it. We find that originally all this power was vested in the Apostles ; they distributed portions of it amongst others ; deputing the Deacons principally to the charge and management of the property. When the Churches became more numerous, the Bishop constituted an Archdeacon to receive the reports and accounts of the Deacons of the several churches ; from him the Bishop received the general report, and through him he gave the general directions ; and thus the management of the temporalities of the church was under his controul, for the reasons above specified.

In process of time, in some places the most prudent and zealous of the laity were either appointed by the people or by the Bishop *to aid* the priests and deacons in the management of the property. In the confusion of feudal times, powerful Barons and others took the property into their care as patrons, and several new abuses were the consequence. But those abuses were frequently withstood, and in other instances a portion of the right of the church was yielded to preserve the rest. One great principle however was kept sacred and inviolable throughout, viz : That the management of ecclesiastical affairs was solely in the prelates, and that they had *at least a negative* upon the management of church property.

It is useless to enquire minutely, how attempts to establish a different principle have originated in some of our congregations. A general remark will suffice ; they had as their guide, not a knowledge of the laws of their own church ; but the example of churches which protested against its doctrines, and its discipline too frequently served as their model : and a bad custom originating in accident, was soon quoted as an established usage. The Constitution of this Diocese was formed, for the purpose of preventing in future the recurrence of evils of this description within its limits.

The portions of our church government are very like to those of the government of this Union. The entire consists of Diocesses, the Bishop of each of which holds his place, not as the deputy of the Pope, but as a successor to the Apostles ; as the Governor of each State holds his place not as the deputy of the President, but as vested therewith by the same power which vests the President with his own authority. And as all the States are bound together in one federation, of which the President is the head, so are the Diocesses collected into one church of which the Pope is the head. Each State has power to make its own laws, provided they do not contravene the general Constitution of the United States ; so in each Diocese there exists the power of legislation,

provided the statutes made therein be not incompatible with the Faith or general discipline of the Catholic Church. The legislature of the Union is collected from all the States, and the decisions of the majority bind the individuals and the States which they represent ; the general legislative body of the church is a council composed of the representatives of each Diocess, and the decision of the majority binds the members and their Diocesses. It is the duty of the President to have the laws of the Union executed in every State, as it is the duty of the Pope to have the general laws of the Church executed in every Diocess. The Bishop is also bound to have them carried into execution within his own Diocess, and he has power, and it is his duty to make such special regulations and laws, as circumstances may render necessary for their more effectual observance, and for the spiritual benefit of his own district. As our States are subdivided, so are our Diocesses : and as the laws of Congress and those of the State are binding in each sub-division, so are the general laws of the Church and the laws of the Diocess in each parish or district of the same ; but in each subdivision, special regulations are made, each corporate city, town, or district has its own By-laws, which would be invalid if incompatible with the laws of Congress or of the States, otherwise they are of force ; so in each parish or district By-laws which are incompatible with the general law of the Church or the law of the Diocess are invalid.

With this general view, the frame of the following Constitution will be the more easily understood. The object of its formation was to lay down those general principles of law, and to shew their special bearing in the most usual cases ; and then upon the mode of raising, vesting and managing church property, to fix the special manner in which the great principles which are recognized by the church should be carried into practice. This was done by consultation, discussion and arrangement between the Bishop, the Clergy and the Laity, in several meet-

ings in the several districts, and the outline of the entire together with some of the most important of its special provisions was laid before the Holy See, after it had been adopted, on the 25th of September 1822. No objection having been received from that quarter, and its provisions having been more maturely examined, and tested by some experience, it is now published for the use of the members.

***ERRATA.***

**P 25—line 1, for second read first.**

CONSTITUTION  
OF THE  
**ROMAN CATHOLIC CHURCH.**  
OF SOUTH-CAROLINA.

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TITLE I.

**DOCTRINE.**

1. Our principle is that man is bound to believe all those things, and only those things which God hath revealed. Hence we have no right to select some of those doctrines which we will believe, and others which we may reject ; for the divine authority and credit is equal as to each ; therefore we admit no distinction between the doctrines of revelation, so as to call some fundamental, which should be received in preference to others to be called not fundamental, as if they may be rejected ; for we believe no person is at liberty to reject the testimony of God in great things or in small things.

2. We are not to reject doctrines revealed by God because they exhibit to us matters beyond the force of our reason to discover. For the unlimited knowledge of God comprehends many things beyond the discovery of our limited reason, and he may, if he thinks proper, reveal to us that such things do exist, though he should not manifest to us the manner of that existence, nor the reason why those things so be.

3. Faith is the belief of matters beyond the comprehension of our reason, upon the authority of God who hath revealed those matters to us.

4. Although we be not obliged by Faith to submit our understanding to our fellow creature, as to God ; yet we may have evidence, and of course certainty, that God hath made that creature his infallible witness to us. In receiving the testimony of that witness we therefore pay our homage not to our fellow creature who testifies, but to the Creator who by that witness-reveals to us his doctrines, or gives to us his precepts.

5. We have evidence that God hath spoken frequently, in divers ways, of old by his prophets to the Fathers, and last of all by his beloved Son, who hath on earth, established his Church as the pillar and the ground of truth ; and who hath commanded all persons to hear and to obey that Church as the infallible witness of his doctrine and precepts, which Church he hath built upon a rock, making to her a promise that the gates of Hell shall not prevail against her.

6. We have evidence that notwithstanding many persons have in several ages gone out from this Church, and formed for themselves new associations ; yet that Church of Christ hath subsisted in every age, and still continues to be a visible body of believers, united under one visible head, in the profession of the same Faith, using the same Sacraments, teaching doctrines of moral and religious observance which are confessedly holy, and which being reduced to practice, have exhibited at all times, men and women of eminent sanctity in the bosom of that society spread through the whole civilized world, and tracing its origin through the unbroken succession of its pastors, to the Apostles who were commissioned by the Son of God to teach all nations ; and with whom and with whose successors he promised to be, all days to the consummation of the world.

7. From this Church we receive the testimony of the doctrines and precepts which God hath revealed ;

to which doctrines no man may add, from which doctrines no man may take away; and which precepts by the divine authority are binding upon those to whom they are given.

8. We therefore believe with a firm faith, and profess all and every one of those things which are contained in that Creed which the holy Catholic (Roman) Church maketh use of; to wit: we believe in one God the Father Almighty, maker of heaven and earth, of all things visible and invisible. And in one Lord Jesus Christ, the only begotten Son of God, and born of the Father before all ages. God of God; light of light; true God of true God; begotten, not made; consubstantial to the Father, by whom all things were made. Who for us men and for our salvation, came down from Heaven, and was incarnate by the Holy Ghost of the Virgin Mary; and was made man. Was crucified also for us under Pontius Pilate; he suffered and was buried: and the third day he arose again according to the Scriptures. He ascended into Heaven; sitteth at the right hand of the Father, and is to come again with glory to judge the living and the dead; of whose kingdom there shall be no end. And in the Holy Ghost, the Lord and life giver; who proceedeth from the Father and the Son, who together with the Father and the Son is adored and glorified, who spoke by the Prophets. And we believe One, Holy, Catholic and Apostolic Church. We confess one Baptism for the remission of Sins: and we expect the resurrection of the dead and the life of the world to come. *Amen.*

We most steadfastly admit and embrace Apostolical and ecclesiastical traditions, and all other observances and constitutions of the Church.

We also admit the holy Scriptures according to that sense which our holy mother the Church hath held and doth hold, to which it belongs to judge of

the true sense and interpretation of the Scriptures : neither will we ever take and interpret them otherwise than according to the unanimous consent of the Fathers.

We also profess that there are truly and properly *Seven Sacraments* of the new law instituted by our Lord Jesus Christ, and necessary for the salvation of mankind, though not all for every one : to wit, Baptism, Confirmation, Eucharist, Penance, Extreme Unction, Order and Matrimony ; and that they confer Grace : and that of these, Baptism, Confirmation, and Order cannot be reiterated without Sacrilege. We also receive and admit the received and approved ceremonies of the Catholic Church in the solemn administration of all the aforesaid Sacraments.

We receive and embrace all and every one of those things which have been defined and declared in the Holy Council of Trent concerning Original Sin, and justification.

We profess likewise that there is offered to God in the Mass a true, proper and propitiatory sacrifice for the living and the dead. And that in the most holy Sacrament of the Eucharist there is truly, really, and substantially, the body and blood together with the soul and divinity of our Lord Jesus Christ : and that there is made a conversion of the whole substance of the bread into the body, and of the whole substance of the wine into the blood, which conversion the Catholic Church calls Transubstantiation. We also confess that under either kind alone Christ is received whole and entire a true Sacrament.

We constantly hold that there is a Purgatory, and that the souls therein detained are helped by the suffrages of the faithful.

Likewise that the Saints reigning together with Christ are to be honored and invoked ; and that

they offer prayers to God for us, and that their relics are to be respected.

We most firmly assert that the images of Christ, of the Mother of God, ever Virgin, and also of other Saints, may be had and retained, and that due honor and veneration is to be given to them.

We also affirm that the power of Indulgences was left by Christ in the Church, and that the use of them is most wholesome to Christian people.

We also acknowledge the holy Catholic Apostolic Roman Church for the mother and mistress of all other Churches; and we promise true obedience to the Bishop of Rome, successor to St. Peter prince of the Apostles and Vicar of Jesus Christ.

We likewise undoubtedly receive and profess all other things delivered, defined and declared by the Sacred Canons and general Councils, and particularly by the holy Council of Trent. And we condemn, reject, and anathematize all things contrary thereto, and all heresies whatsoever condemned, rejected and anathematized by the Church.

This true Catholic Faith, without which none can be saved,\* we do at this present, freely profess and sincerely hold, and we promise most constantly to retain and confess the same entire and unviolate with God's holy assistance to the end of our lives.

\* The following declaration of the Bishops of the Irish Church gives the exact meaning of this too often misrepresented tenet of exclusive salvation. † JOHN, Bp. of Ch.

" Catholics hold, that in order to attain salvation, it is necessary to belong to the true church, and that heresy, or a wilful and obstinate opposition to revealed truth, as taught in the church of Christ, excludes from the kingdom of God. They are not, however, obliged to believe, that all those are wilfully and obstinately attached to error, who, having been seduced into it by others, or who, having imbibed it from their parents, seek the truth with a cautious solicitude, disposed to embrace it when sufficiently proposed to them: but leaving such persons to the righteous judgment of a merciful God, they feel themselves bound to discharge towards them, as well as towards all mankind, the duties of charity and of social life.

## TITLE H.

**GOVERNMENT.**

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## SECTION I.

*The Church of Christ on earth, of which we here treat, is the visible body of true believers under its proper government. See Tit. I. cl. 6.*

1. The government of the Church is not of human invention nor established by the agreement of men ; but it is the positive institution of God ; and is subject only to the administration of those persons whom he hath commissioned to regulate and to carry it on.

2. It is not in the power of men by any convention or law, or act of authority or of force to change the nature of that government which our Lord Jesus Christ hath established for his Church.

3. We do not believe that our Lord Jesus Christ gave to the civil or temporal governments of states, empires, kingdoms, or nations any authority in or over spiritual or ecclesiastical concerns.

4. We do not believe that our Lord Jesus Christ gave to the rulers of his Church any authority in or over the civil or temporal concerns of states, empires, kingdoms or nations.

5. We do not believe that our Lord Jesus Christ hath appointed any special or particular mode of civil or temporal government for mankind, so that men should be bound by the divine law to adopt or to prefer one mode of civil or temporal government to any other.

6. We believe that as Church government and temporal government are not necessarily united the one to the other, nor dependent the one upon the other ; the one unchangeable mode of Church government may therefore, continue for ever to subsist, as it hath, during all the ages of Christianity, subsisted, in the several nations which have had different modes of temporal government ; and that the several members of that one Church may still continue in their respective nations, as they have hitherto been, faithful and meritorious citizens of republics, and loyal subjects of limited or of absolute monarchs. Nor does, therefore, the difference of temporal government in their several nations require or make lawful any change in Church government, so as to assimilate the same to the temporal governments of those several nations.

7. We do not believe that our Lord Jesus Christ gave to the faithful at large the government of the Church, nor any power to regulate spiritual or ecclesiastical concerns ; neither do we believe that he gave to the laity nor to any part of the laity such government nor such power, nor any portion of such government or of such power.

8. We believe that our Lord Jesus Christ hath appointed his Apostles the governors of his Church ; to be witnesses of his doctrine in Jerusalem and all Judea, and Samaria, and to the very ends of the earth : his ministers the dispensers of the mysteries of God, the Sacraments instituted by our blessed Redeemer : and Bishops placed by the Holy Ghost to govern the Church of God, by establishing and preserving wholesome discipline therein.

9. We believe that for the purpose of preserving his Church in unity and in that peace which the world could not give, and of making it One as he and his heavenly Father are one, the Saviour Jesus Christ did establish one chief ruler amongst his Apostles, with a primacy of honor and of jurisdic-

tion ; to which supreme ruler every member of the Church ought to pay the reverence and the obedience justly due to a person placed by the divine authority in so eminent a station.

10. We believe that this supremacy in and over the universal church was promised by our blessed Redeemer to Simon the son of Jonas, when the Saviour changed the name of that Apostle to Peter, and that it was conferred upon him, principally when our blessed Lord told him that he had prayed for him that his faith should not fail, and exhorted him when he should be converted, to confirm his brethren ; and again, when after his resurrection the Saviour having required from him a declaration of greater love, gave to him more extensive authority, to feed his lambs and to feed his sheep : we behold in his subsequent acts, evidence of his exercise of this power, and the same doctrine is testified to us by the Church.

11. We are taught, and do believe that this office of supreme ruler ~~was~~ ordained by our Lord Jesus Christ to remain in the Church during its existence : and we find undoubted evidence that St. Peter, the chief Apostle, did finally establish his seat of authority in the city of Rome, near to which he and the Apostle St. Paul were put to death, and that the power with which he was invested by our blessed Redeemer was thus caused to descend to the Bishops of that holy See.

12. We also find that the Christian Churches from the beginning did receive and hold this doctrine of the Supremacy of One See, and did recognize and acknowledge the fact that it was vested in the Bishops of Rome, who have at all times by divine appointment exercised the power thereof, and to which power those churches that did continue in the primitive communion have at all times willingly submitted.

13. We therefore acknowledge the primacy of honor and of spiritual jurisdiction throughout the whole world to be, of divine right, in the Pope or Bishop of Rome duly and properly appointed ; and we pay to him the reverence and the obedience justly due to his eminent station, and we feel it necessary to adhere to his communion and to be subject to his spiritual and ecclesiastical authority.

14. We are not required by our Faith to believe that the Pope is infallible ; nor do we believe that he is impeccable, for it is not a consequence of his being vested with great authority that he should be exempt from the frailties of human nature ; but we do not believe that his authority would be diminished, nor the institutions of our blessed Saviour destroyed, even if the Pope were to be guilty of criminal actions.

15. We do not believe that by virtue of this spiritual or ecclesiastical authority, the Pope hath any power or right to interfere with the allegiance that we owe to our State ; nor to interfere in or with the concerns of the civil policy or the temporal government of the State of South-Carolina, or of the United States of America.

16. We believe and acknowledge the majority of the Bishops of the Church, who are the successors of the Apostles, in union with their head aforesaid, to be an ecclesiastical tribunal appointed by our Lord Jesus Christ to decide by his authority, with infallible certainty of truth, in all controversies of doctrine, and to testify truly to us those things which have been revealed by God to man. We also recognize and acknowledge in that same tribunal full power and authority, by the same divine institution, to regulate and to ordain the general ecclesiastical discipline of the whole Church of Christ.

17. We believe and acknowledge that in the several Diocesses, Bishops are placed by the Holy

Ghost to govern the Church of God. And we acknowledge the Bishop regularly appointed, according to the usage of the Church, and in due time consecrated according to the form of the same, and holding communion with the Pope, to be the ordinary lawful governor and ecclesiastical legislator of the Church of this State ; to whom we are bound to pay reverence and obedience in all spiritual and ecclesiastical concerns, according to the divine institution and the canons and usages of the Church.

18. During the absence of the Bishop, we acknowledge the power of governing the Church of this State in conjunction with him, to be in the Vicar whom he may appoint. And even when the Bishop may be present, we acknowledge the Vicar appointed by him to be vested with such spiritual and ecclesiastical authority as the Bishop may specify, and that such Vicar is to be respected and obeyed accordingly.

19. During the vacancy of the See, we acknowledge the power of governing the Church of this State to be in the Vicar who may be regularly appointed by the proper ecclesiastical authority ; and that such Vicar is to be respected and obeyed accordingly.

20. We acknowledge the Priests of the Church to be in subordination to the Bishop, the preachers of the doctrine of Christ, the ministers of the sacraments, and, when duly appointed, the local rulers of ecclesiastical districts, and that they ought to be respected and obeyed accordingly.

21. As in the Church there are other orders of clergymen, who may occasionally receive from the Bishop authority to perform those duties of which they are capable ; we acknowledge the existence of the orders of deacon and sub-deacon and minor clerks. And according to divine and apostolical institutions, canons and ancient usages, we will yield

due obedience to the authority with which they may be invested, and we will respect themselves, their orders and their offices.

22. As our religion was not invented by men, but revealed by God, and as the government of the Church was not framed by human convention, nor by human authority, but by the institution and by the authority of our Lord Jesus Christ ; we acknowledge its source to be divine ; we therefore disavow and disclaim any right or power, under any pretext, in the laity to subject the ministry of the Church to their controul, or to interfere in the regulation of its sacred duties, this being the exclusive province of those persons whom the Holy Ghost hath placed Bishops to govern the Church of God.

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## SECTION II.

### *Districts, and Lay Officers.*

1. We acknowledge that the right and power of dividing the State into Ecclesiastical districts, whether Parochial or other, as also the right and power of uniting two or more districts into one, of dividing those formed, and of remodelling the same, and of creating new districts belongs to the Bishop.

2. In each district so formed, there shall be, for the management of the temporalities, a Vestry, consisting of the clergyman or clergymen of that district, and of a number of laymen to be chosen by the members of that district. In all cases there shall be only one Vestry for one district ; when therefore a district shall be new modelled, the Vestry shall as soon as possible be modelled upon the principle of such change.

3. When the Bishop shall create a new district, or shall unite, divide, or new model former districts, he will notify the same to the Presidents of the

Vestries, or, where there may be no Vestries, to the congregations concerned, in order that the boundaries may be ascertained and the district regularly organized. The Bishop will also communicate the same to the next Convention of the Church of this State, in order that the communication may be registered upon their books, and that the proper members therefrom may be admitted to their proper places therein.

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### SECTION III.

#### *Jurisdiction.*

1. We acknowledge that the right and power of appointing clergymen for the performance of spiritual and ecclesiastical duties, to and in the several districts of the State, belongs to the proper Bishop. No person shall be considered or treated as a regularly appointed clergyman of the church unless he be appointed by the proper Bishop or his Vicar.

2. We acknowledge the right and power of examining and judging of the qualifications and conduct of clergymen, and of suspending for a time, or of withdrawing altogether the powers of clergymen who may have been regularly appointed, belongs to the proper Bishop; and no person shall be considered or treated as a regularly appointed clergyman of the church after his powers shall have been suspended or withdrawn by the proper Bishop or Vicar, until such powers shall have been regularly and canonically restored either by the Bishop or Vicar, or other proper higher ecclesiastical tribunal.

3. The letter of the proper Bishop or of the Vicar signed with his hand and sealed with his seal, or with the seal of the Diocess, directed to the Vestry or Congregation of any district, or to the Church of the State, or to the Diocess at large, or patent to all whom it may concern; or the public declaration

of the Bishop or Vicar made at the usual time of celebrating the public mass, and at the usual place within the district concerned, on a Sunday or holiday of obligation, or on a published day of general or special visitation, or at the annual convention of the Church of this State wheresoever it may be holden, shall be deemed sufficient evidence that a clergyman is duly authorised to fulfil and to discharge the functions of the office, to which such letter or declaration shall specify his appointment; or such other special duties as may in such letter or declaration be recited or enumerated for his discharge, and during the time specified therein.

4. The letter or declaration of the Bishop or Vicar, similar to those described in the third clause of this section, shall be sufficient evidence that a clergyman is suspended or disqualified and incapacitated for the discharge of those duties from the discharge of which such letter or declaration may declare him suspended; or for which it may declare him disqualified. And shall also be sufficient evidence of his being removed from any spiritual authority or ecclesiastical office or station, from which it may declare him removed.

5. Should any congregation or portion thereof request the Bishop or Vicar to remove a clergyman from any place or office to which he had been regularly appointed; he shall notwithstanding such petition, be still considered as holding and enjoying the office or place; and shall be respected and obeyed accordingly, until he shall be removed therefrom by the proper ecclesiastical authority; if upon examination of the case it shall see cause for such removal.

6. If any clergyman who may be suspended or incapacitated by the Bishop or Vicar shall appeal to any higher ecclesiastical tribunal for redress, he shall, notwithstanding such appeal, be considered and treated as suspended or incapacitated, until the proper ecclesiastical tribunal to which the appeal may

have been carried, shall have set aside or reversed the original suspension or incapacity : and until there shall be sufficient evidence from such tribunal of such setting aside or reversion. Or, if there be no such evidence : until the said clergyman shall be restored by the Bishop or Vicar. The evidence in this case shall be the same as in the third clause of this section.

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### TITLE III.

### **PROPERTY.**

The maintainance of our Church requires that we should have clergymen to perform the ministerial duties, and churches in which they could officiate : for the support of which clergymen, and for the erection and preservation of which churches temporal means are required. Prudence and charity also demand that in the church there should be, when practicable, funds for other purposes connected with religion.

The clergymen of our church are, by reason of their sacred office, precluded from following after the pursuit of worldly gain in traffic ; their youth is spent in study and reflection ; their time from entering upon the ministry is devoted to the spiritual welfare of the flock ; which requires much reading, deep thought, frequent meditation and earnest prayer ; this care is generally accompanied with much mental anxiety, and subjects them to repeated contradictions, harrassing and opposition from weak brethren and from gainsayers. Moreover they are obliged to undergo much bodily fatigue ; are at all moments bound to give immediate and painful attention to their sick brethren, and are frequently exposed to the danger of contagion ; for which reasons they are deemed worthy of competent and respectable support according to the means of those whom

they serve : not to be given grudgingly and sparingly as a bare relief of their present necessities : but to be contributed with cheerfulness and generosity, to supply their present demands, to enable them also to relieve the wretched and needy whose expectations from the clergy lead them to frequent appeals to their commiseration, and also to assist them in making some provision for the time of sickness, and the helplessness of old age. The experience of eighteen centuries hath taught us that from the circumstance of our clergy not having families for which they would be bound to provide, the greatest part of their superfluous income, when they did receive more than was necessary, was expended in building and endowing churches, hospitals, schools, colleges, and other useful establishments, to the manifest advantage of the church, of learning, of the poor, of civilization, and of society at large ; whereby it is apparent that the liberal support of an active clergy of our church, is not only doing justice to themselves, but is moreover laying the probable groundwork of much public benefit.

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## SECTION I.

### *Separation of Funds and duty of Contribution.*

1. Whereas great inconvenience and much dissatisfaction have been often found to arise from placing all the property of the Church in one fund, from which the expenses of every description were defrayed ; it is hereby regulated that in future there shall be separate and independent funds, under the management of distinct bodies or individuals, for the several specific objects.

2. It is the duty of every member of the church to contribute according to his means towards the support of the Bishop ; and of the clergy who serve the district in which he resides ; towards the erection and

preservation of the church and other necessary buildings of that district, and towards the general objects of the Church of the State.

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## SECTION II.

### *Mode of raising, securing, and managing Funds.*

1. The majority of the lay-members together with the clergymen of each district, shall from time to time determine upon some mode, which being approved of by the Bishop, shall be adopted for raising money to meet the exigencies of that district.

2. The churches, cemeteries, lands, houses, funds, or other property belonging to any particular district, shall be made the property of the Vestry of that district, in trust for the same.

3. The Vestry shall not have power to impose or to levy any tax or price upon persons attending religious duties at the Church, nor to assess or fix a price for interments in the cemetery, without the consent of the Bishop in writing, under his hand and seal, first had and obtained. Nor shall they have power to increase the rate of payment beyond what may be specified in the said instrument. And such sums of money as may be thus raised shall be applied by the Vestry to the purposes, and in the proportions which may be specified in the said instrument, and to no other purposes, and in no other proportion.

4. The Vestry shall not have power to sell, nor to alienate, nor to let for any term, any part of the real estate or property without the consent of the Bishop or Vicar, first had and obtained in writing under his hand and seal.

5. No Church shall be built, or taken down, or removed, or materially altered ; nor shall any regularly consecrated cemetery be laid out, or enclosed, or altered without the consent of the Bishop or Vicar first had and obtained in writing under his hand and seal.

6. No part of any Church shall be made the private property of any individual or family, either for a limited time, or an unlimited period. Except 1. Should some individual or family, with the consent of the Bishop, build an oratory or private chapel ; but this shall not be considered a public church, nor shall it have a Vestry, nor be represented at the Convention of the Church of the State. And also except 2. Should some individual, or family, upon their own ground and with their own private proper means, with the consent of the Bishop, build a church, and convey the same in trust, for the public benefit, forever, to the Vestry of the district ; in such a case, the individual, or family so conveying may retain as private property such inclosed part of said church, not exceeding one tenth of the area of the whole, as may be approved of by the Bishop. But such private property so retained shall never be let for rent, nor sold, unless it should be sold to the Vestry for the sole purpose of destroying the inclosure, and making it common property, to be used by the clergy or congregation in like manner as the rest of the church.

7. The money applicable to the purchase of ground or houses, to the erecting or repairing of churches, the procuring of vestments and other necessities or ornaments, the enclosing or the repairing of enclosures of cemeteries, and generally, all money for any church purposes of a particular district, shall be expended only by authority of an act of the Vestry of that district.

## SECTION III.

*How Funds for support of Clergy are to be disposed of.*

1. The money contributed towards the support of the Bishop shall be paid to himself or to his agent.

2. The money contributed for the support of the clergyman who serves any district shall be paid to himself or his agent.

3. No Committee, or Vestry, or Trustee or Trustees shall in any way withhold from the Bishop or other clergyman the money contributed for his support, nor any part thereof, under any pretext or excuse; nor shall there be any special conditions affixed to the payment thereof.

4. No congregation shall contribute any of the sums usually appropriated to the support of the clergy, to any other than a regularly appointed clergyman, according to the description and meaning of this constitution.

5. Should any real estate, or permanent fund, or other property be created, or in any way obtained for the support of the Bishop or of the clergyman of any district or office, the said Bishop or regularly appointed clergyman, or his agent, and no other person, shall be entitled to receive the interest or proceeds of the same.

6. The proceeds of such real estate or permanent fund, and all other contributions which may accrue thereto, during the vacancy of the place, the incumbent of which would be entitled to the proceeds, if the place were full, shall, during such vacancy, be added to the said capital or estate; unless it shall be otherwise regulated in the creation of the fund.

## SECTION IV.

*Creation and regulation of Property for general purposes.*

1. Every member of this church shall pay towards the general fund of the Church of this State, the sum of fifty cents quarterly, that is, on the first days of February, of May, of August, and of November in every year; and they whom God hath blessed with means are exhorted to give more abundantly.

2. The purposes to which the general fund is applicable at the discretion of the Convention of the Church of this State are :

1. The erection or improvement of the Cathedral, as being the great Church of the whole Diocess.

2. The aid of students in theology, especially by the erection and support of a Seminary, as being absolutely necessary to insure to the Diocess a supply and succession of good clergymen.

3. Giving aid to missionaries to preach the Gospel and to administer the sacraments in remote, poor and neglected parts of the Diocess. And after the accomplishment of those objects.

4. Giving aid to small or poor Congregations or Parishes, in the erection of Churches. or other works of religion; but this should rather be by loan than by donation.

5. Giving aid to such religious communities, associations, or establishments as are calculated to promote the interests of religion by public edification and instruction.

6. Giving aid to such schools as should be established, not merely to teach the human sciences but also the knowledge of the true faith, and the way to eternal life.

7. The solace and aid of well conducted destitute widows or aged and infirm members of the Church.

8. The protection, education, and aid of orphans or destitute children of the Church.

8. Any other purpose that the principles exhibited in the above enumeration may justly embrace.

As those objects and purposes are all important in Religion, as they are well calculated for the prosperity of the church, as they are productive of great individual benefit, as they form the abstract of the spiritual and corporal works of mercy, and as every precaution is used to guard against the misapplication of the fund, and to make it as extensively useful as possible ; it is strongly recommended to those whom the Lord hath blessed with means to contribute largely thereto by donations or bequests to "the general Trustees of the Roman Catholic Church of South-Carolina."

3. The property for the general purposes of the Church, whether real or of other kind shall be vested in a board to be called "The General Trustees of the Roman Catholic Church of S. Carolina." This Board shall consist of the Bishop as President, (*ex officio*) the Vicar, as Vice President, (*ex officio*) three other clergymen to be chosen by the clergy at the annual convention, and six laymen to be chosen by the house of lay delegates at the annual convention. Of this Board, two clergymen and three laymen shall form a quorum for business. But no meeting shall be held by this Board, except at stated periods, or upon special adjournment, or upon notice of one week at least given by the President or Vice-President by public advertisement or by special summons.

4. The Treasurer of the general Fund shall be appointed every year at the Convention, by the joint vote of both houses voting together ; and approved by the Bishop.

5. Should the Convention require it, the Treasurer, before entering upon his office, shall execute together with sufficient securities a bond to the gene-

ral Trustees to such amount as they may require ; for the proper discharge of the duties of his office and the safety of their funds.

6. The Vestries shall appoint local collectors for the general fund, within their districts, who shall enter into bonds and give securities, in like manner as the Treasurer of the general fund, to the general Trustees, if the Vestry of the district shall so see proper.

7. The district collectors of the general fund shall, once in every quarter of a year, that is on or before the 15th days of February, of May, of August and of November in every year, transmit to the Treasurer of the general fund, all sums payable to him, which may be in their hands.

8. The Treasurer of the general fund shall, upon receipt of any sum of money from a collector, immediately send to him a receipt for the same, which receipt the said collector shall as soon as may be, produce to the Vestry of the district, together with a list of the contributors and the sums which they shall have respectively paid : and the Vestry shall cause the same to be published to the congregation.

9. The general Treasurer shall hold all money received by him at the disposal of the Board of general Trustees, which Board shall have power to examine his accounts, as often as they may think fit, and to cause him to lodge any ballances which he may hold, in any Bank or place of safe-keeping they may think fit.

10. The Board of general Trustees shall not have power to expend any part of the general fund, except in conformity to an order or act of the general convention of the church : unless where some unusual and unforeseen occurrence would clearly render the expenditure of a small sum prudent and beneficial to the church : and to authorize such an ex-

penditure the assent of the President or Vice-President together with that of two other clerical and three lay trustees shall be necessary.

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#### TITLE IV.

### MEMBERSHIP.

*The whole of this Title IV. regards the association or corporation of the Church of the State as it is composed of men, who have for the benefit of religion formed themselves into a Society. The Church, as a spiritual body consists of men, women and children, the two latter portions of which, though in full spiritual communion, are incapable of being united in this association. Nothing therefore in this Title shall be construed to interfere with the undoubted right of the Bishop, by divine institution to examine into and to decide upon, in his spiritual capacity, and for the purposes of religion, the Faith, religious deportment and moral conduct of all the members of the church in his Diocess of what degree soever, when he shall see necessary.*

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#### SECTION I.

##### *Qualifications, &c.*

1. No person shall be considered a member of the Roman Catholic Church of S. Carolina, nor of any Roman Catholic Church within the State except he have the following qualifications, viz :

1. That he be a man of at least twenty-one years of age.
2. That he be baptized.
3. That he be free from Church censures.
4. That he have subscribed his assent to this Constitution. And

5. That he be a resident of the State or a clergyman having spiritual jurisdiction therein.

2. Each person who shall prove his membership shall have a right to a certificate of the same, which he will receive, if he be a clergyman, upon application to the Bishop or Vicar ; if he be a layman, upon application to the proper clergyman of the district in which he resides, who is authorized and required hereby to grant the same, and for which he may require the sum of twelve and a half cents, but no more.

3. The certificate of membership given in any one district of the State shall be admitted as evidence of membership in every other district of the same ; unless the person to whom it has been granted shall have forfeited his rights and privileges in some manner specified in this constitution. As the Churches of the States of North Carolina and of Georgia have also adopted constitutions similar to this, certificates of membership in either of them shall be admitted as evidence of membership in this State.

4. The clergyman of each district shall keep a register of the members thereof, which register he shall correct and amend from time to time as occasion may require.

5. The Secretary of the Vestry and the collector for the general fund shall keep correct copies of the clergyman's register of members, which they shall also compare and correct and amend as occasion may require.

6. No person but a member of this church shall be allowed to speak in debate, nor to vote at any meeting upon the concerns of the same, nor to vote at elections for persons to fill places or offices therein, nor be eligible to any office or place of trust or authority therein.

## SECTION II.

*How membership may be lost, or regained.*

1. A member of this Church shall lose his rights and privileges in the same, only by his own voluntary resignation, or in either of the following modes, viz :

1. By his defection from the doctrine of the Church, or by his wilful and deliberate opposition to its discipline.

2. By knowingly encouraging, or attending in the discharge of any religious duty any unauthorized clergyman of the church.

3. By knowingly and deliberately obstructing or annoying any authorised clergyman, in the discharge of his public religious duties.

4. By being canonically censured by name by the Bishop or Vicar, for some sufficient special cause.

5. By refusing during twelve months to pay the regular and accustomed contributions which are established by this Constitution, or which may be constitutionally established by the Church of the district in which he resides, unless he shall for special reasons have obtained an exemption therefrom from the Clergyman or the Vestry.

2. In the cases of the foregoing clause the facts must be notorious or be proved, and the sentence must be pronounced by the Bishop or Vicar when he shall after examination be satisfied of the notoriety of the fact or the sufficiency of the testimony.

3. The Bishop has the right and power to restore to the rights and privileges of membership, when he shall see sufficient cause, any person who had forfeited and lost the same, and such person so restored by him shall have and enjoy all the rights and privileges of membership as fully and perfectly as if he had never forfeited or lost the same.

4. In case 4, of clause second there lies of course an appeal to higher ecclesiastical authority. In all the cases of that clause the truth of the fact will be examined by the Vestry, in which, of course, the clergyman will preside.

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## TITLE V.

### **DISTRICT CHURCHES.**

*How created and regulated.*

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#### SECTION I.

1. The power of creating a separate Church by the formation of a Parochial or other district, belongs to the Bishop.

2. When the Bishop shall create a separate Church, he will give due public notice for a meeting of the members thereof, to be held at some convenient time and place, for the necessary purposes consequent upon such creation, at which meeting he or his deputy will preside.

3. At this meeting the members will, by a majority of votes, determine what are to be the special qualifications, if any, in addition to membership for voters in that district, and for Vestrymen therein; also how many lay members shall serve in the Vestry. They shall then proceed to elect by ballot so many discreet, well conducted men having a regard for religion, and if possible, persons who are in the habit of receiving the sacrament of the holy Eucharist; and those laymen together with the clergyman or clergymen of that district shall be the Vestry of the same, and shall continue in office during one year, and after the expiration of the same until the second Sunday in January next succeeding; or until their successors shall be chosen.

4. Those special qualifications for Voters and for Vestrymen in any district, and also the number of laymen to serve in the Vestry thereof may be altered by the majority of voters, at a general meeting of the members of that district, specially convened for that purpose after at least ten days public notice : but such alteration shall not be of force until it shall have been approved of by the Bishop or Vicar.

5. The members qualified to vote in each district shall, on the first Sunday in January, in each year, at twelve o'clock, assemble in the Church or usual place of meeting and there by ballot elect the proper number of qualified laymen, who, together with the clergy shall be the Vestry thereof, from the second Sunday in January, to the second Sunday in January of the next year, or until their successors shall be elected and admitted into office.

6. The laymen elected to serve upon the Vestry shall, before entering into office subscribe, in presence of the clergyman, if he be in the district, and of the congregation the proper declaration and promise.

7. No person elected to serve upon the Vestry can during the year of his office be removed therefrom, except by 1 : His voluntary resignation. 2 : His refusal or neglect during one month to qualify, or 3 : His loss of membership.

8. Should there be a vacancy in the Vestry by reason of death, removal from the district, or either of the causes in the foregoing clause, the same shall as soon as possible be filled up by an election to be held for that special purpose after a notice of at least one week.

9. When the clergyman is present the elections shall be conducted under his regulations ; in his absence, they will be conducted by the Secretary and the Wardens then in office.

10. Each separate Church thus formed shall have power to make By-laws for its own special regulation in the following manner, provided they be not inconsistent with this Constitution, 1. Such By-law must be an act of Vestry. 2. It must be confirmed by a majority of the members of that Church, who may be present at a public meeting to be held for that special purpose after at least one week's sufficient notice ; and 3. It must be approved of by the Bishop or Vicar. And no By-law of any separate church shall be altered or repealed except in the same manner as a new By-law might be made.

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## SECTION II.

### *Mode of proceeding, power and duty of the Vestry.*

1. In the meetings of the Vestry the principal clergyman who may be present is to be president, and in order to proceed to business the presence of one clergyman and of three laymen shall be necessary. But if there be no clergyman resident in the district, the laymen may proceed to business and procure the subsequent confirmation of their acts by the proper clergyman.

2. For the validity of an act of Vestry there will be required the assent of a majority of the lay-members who may be present, and of the proper clergyman, or in case of the refusal of the clergyman, the assent of the Bishop or of the Vicar.

3. But in making contracts or agreements for the performance of any work or duty which shall have been directed by an act of Vestry, and in all elections and appointments to be made by the Vestry, no clergyman shall have a negative power, but shall only possess his right of precedence and his right of vote.

4. At all meetings of the Vestry, the president, or in his absence from the district, the layman who may take the chair, shall in case of an equality of votes have a second or casting vote, so as to enable the meeting to decide. But it is strongly recommended that all things be done in peace, harmony and good will : and in any cases of importance, or where the feelings of opposed parties appear to be deeply interested, it would be better that an adjournment should take place, to afford time for calmness and reflection, than that a hasty decision should be made, and jealousy and ill will be excited.

5. When the Vestry assembles without the clergyman, the Chair shall be taken by one of the Wardens, according to the precedence of the name upon the entry of their appointment ; and if the Wardens be absent, by that Vestryman whose name stands first upon the list of their appointment.

6. It shall be the duty of the Vestry, to exert themselves to procure for the Bishop and the clergymen of their own district decent and comfortable support ; to have the Church and other buildings kept in good order and repair, and to provide all the necessaries therefor according to the means which they shall be able to procure ; to provide and to keep in order a burial ground for the interment of members in the communion of the church according to the Canons of the same ; and to see that the church property entrusted to their care be well preserved and improved and faithfully administered.

7. The Vestry have the right of electing the Organist, the Clerk, the Sexton, and the other lay officers or servants of the Church ; also they have the appointment of their own Secretary and Treasurer, and of the Church Wardens of their District, and of the Collector of the general fund within the same. The Church Wardens shall be chosen from amongst the lay-members of the Vestry. The Treasurer, the

Secretary and the Collector for the general fund may be chosen by the Vestry either from amongst their own body, or from the other members of the Church.

8. The Bishop or the Clergyman of the district has the right and power, whenever he may see cause to suspend the Organist, the Clerk, the Sexton, or any other lay officer or servant of the Church. But the Church Warden, the Secretary, or Treasurer of the Vestry, or the Collector for the general fund, are only removeable by an act of Vestry. Any officer or servant so removed or suspended is ineligible to the same or to any other office or place of the Church for one year, unless with the written consent of the Bishop or of the Clergyman of the district.

9. The Vestry shall every year lay a fair and correct statement of their accounts and of the situation of the Church before the congregation, and another such statement before the Bishop previous to the first Sunday in January. And they shall also furnish and exhibit their accounts at any other time to the Bishop, and to the congregation when called upon by either of them to do so.

10. Should the Vestry of the district be displeased with the conduct or the proceedings of the clergyman of the same, they shall have power upon sufficient notice from the Secretary, who must issue such notice upon the requisition in writing of two Vestrymen signed by them, to assemble without the clergyman, for the sole purpose of conferring together upon their cause of complaint and of embodying the same in writing ; to be immediately transmitted to the Bishop or Vicar for his judgment thereupon : but which complaint they shall not publish in any other way without the leave, in writing, of the Bishop or Vicar first had and obtained therefor. But no person shall upon such occasion take the Chair, nor shall any business be, done, unless there be and continue present, a majority of the lay members of the Vestry.

11. Should the Vestry of any district lodge a regular complaint in the manner prescribed against the clergyman of the same, the Bishop or Vicar will as soon as possible diligently enquire into the same ; and as soon as may be, give his judgment and decision to the best of his ability for the benefit of religion and according to the Canons and usages of the Church : and the Vestry will support and accede to such decision, unless they shall see cause for making their appeal to a superior ecclesiastical tribunal : in which case they shall abide by the said decision, until it shall have been set aside by such competent superior ecclesiastical tribunal ; and in case such tribunal shall not set aside such decision, it shall be considered final, and conclusive.

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### SECTION III.

#### *Duties and powers of Officers.*

1. The duty of the Secretary shall be to summon and to attend at all meetings of the Vestry ; to keep a fair record of their acts and appointments and resolutions, and when necessary to publish or to furnish extracts of the same ; to sign their orders upon the Treasurer when duly passed ; to inform the Bishop or Vicar when by him duly required of their acts or proceedings : to make out such report of their proceedings as may be required by the Convention of the Church of the State, or by the delegates of the district ; and to notify to the Vestry or to the Church of the district such directions or information as may be conveyed to him for that purpose by the general Trustees, or by the Convention of the Church, or by the Bishop or Vicar, or by the See of Rome.

2. The duty of the Treasurer shall be, to keep fair and plain accounts of the income, and expenditure, and of the property of the Church of that district ;

to collect the money payable to its use or due there-  
to ; when necessary, to sue for the same ; to have  
charge of the money and other valuable property of  
the Church ; except the Sacred Vessels and Vest-  
ments, of which the clergyman shall have charge,  
and for which he shall be accountable to the proper  
ecclesiastical persons ; to pay as far as the funds in  
his hands will allow, all orders of the Vestry signed  
by the Secretary and approved by the proper clergy-  
man ; to render an exact and fair statement of all  
his accounts on the first day of January in each year  
to the Bishop, and another to the Vestry at the same  
time, and also to the Bishop and to the Vestry when  
so required by either of them.

3. The duty of the Church Wardens shall be, to  
superintend the execution of any work ordered or  
contracted for by the Vestry ; to preserve in decen-  
cy and repair the buildings and other property of the  
Church ; to aid the clergyman in preserving order  
and decency in the Church, to remove therefrom all  
disturbers or nuisances.

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## TITLE VI.

### **THE CONVENTION.**

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#### SECTION I.

##### *Composition, and mode of assembling.*

1. There shall be held yearly in some convenient  
part of the State, to be designated by the Bishop or  
Vicar, and at the time by him appointed, a Conven-  
tion of this Church, which shall consist of the follow-  
ing portions which shall hold their sessions separate-  
ly, viz :

1. The Bishop, or in his absence the Vicar.

2. The Clergy having spiritual jurisdiction in the State and not claiming any exemption from the Bishop's ordinary jurisdiction, nor any special privileges except such as may arise from the special act of the Bishop, or from the statutes of the Diocess.

3 The lay delegates from the districts of the State.

2. The Bishop, or in his absence the Vicar will give at least two months public notice of the time and place of holding the Convention, as well by one or more public advertisements in the newspapers, as also by special letter to each clergyman who is entitled to a seat, the clergymen shall also publish the same to their respective flocks.

3. Upon the creation of a new district the Bishop will specify how many lay delegates shall be elected therefrom to the next convention, which number shall be elected and admitted accordingly.

4. The delegates of the laity to the Convention from each district shall be men having the qualifications which, in that district, are required for members of the Vestry, and they shall be chosen by the voters of that district, upon due notice to be given by the Vestry of the time and place for holding the election, within six weeks preceding the day for holding the Convention ; the election to be conducted in the same manner as that for electing the Vestry.

5. The districts of the State shall be ranked from time to time by the house of lay delegates according to their Catholic population, as of the first, second, and third rank ; districts of the first rank shall, during their being so classed, send four delegates to the Convention ; districts of the second rank, two delegates ; and districts of the third rank, one delegate ; and each district will contribute its proportion to defray the expense of the Convention.

6. The Bishop or Vicar will judge of the qualifications of the Clergy ; the house of lay delegates will judge of the qualifications of its own members.

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## SECTION II.

### *Order of proceeding.*

1. The clergyman highest in dignity, and if there be no precedence in dignity, the clergyman senior in ordination shall be president of the house of the Clergy.

2. The house of the Laity will choose its own president.

3. Each house shall appoint its own officers and servants, and regulate the internal order of its own proceedings.

4. When a majority of both houses shall have met and the presidents have been ascertained, they will inform the Bishop of the same and he will appoint the time when the Convention will be opened.

5. The Convention will be opened with a solemn mass, at which it is recommended that the members of each house do go to communion. At this mass there will be a sermon, and if the Bishop shall think proper to add a charge or exhortation. Before the blessing, the presidents of both houses shall, standing in presence of the Bishop, hear read and sign the proper declaration and promise, after which, each president will read or cause to be read for the members of his house the same declaration and promise, which each member shall subscribe.

6. After mass each house shall meet apart for business, and the Bishop will cause to be laid before

them the Treasurer's account, the report of the general Trustees, and any other documents and communications which may be necessary.

7. Neither house shall adjourn except from one period to another of the same day, or from day to day, before the third day of business, unless with the consent of the Bishop. And after the dissolution of the Convention, neither house shall meet except it be specially convened for some particular purpose by the Bishop or Vicar.

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### SECTION III.

#### *Powers.*

1. The Convention has no power or authority to interfere respecting any of the following subjects, viz :

1. The Doctrine of the Church.
2. The Discipline of the Church.
3. The administration of Sacraments.
4. The Ceremonies of the Church.
5. Spiritual jurisdiction.
6. Ecclesiastical appointments.
7. Ordinations.
8. The superintendence of the Clergy.

2. The Convention is not to be considered as a portion of the ecclesiastical government of the Church ; but the two houses are to be considered rather as a body of sage, prudent and religious counsellors to aid the proper ecclesiastical governor of the church in the discharge of his duty, by their advice and exertions in obtaining and applying the necessary pecuniary means to those purposes which will be most beneficial, and in superintending the several persons who have charge thereof ; to see

that the money be honestly and beneficially expended ; wherefore the Convention has the following powers, viz :

1. To dispose of the general fund of the Church in the way that it may deem most advantageous.

2. To examine into, and to controul the expenditures made by its own order or by that of a former Convention.

3. To examine into, regulate and controul, with the exception of their spiritual concerns, all establishments of its own creation : or which being otherwise created may be regularly subjected to its controul.

4. To appoint the lay officers and servants of such establishments.

5. The house of the clergy have power to examine into the ecclesiastical concerns of such establishments, and to make their private report thereon to the Bishop or Vicar, together with their opinion and advice, but such report or advice shall not be published in any other way, without the consent of the Bishop or Vicar first had and obtained in writing under his hand and seal.

3. In those cases where the Convention has no authority to act, should either house feel itself called upon by any peculiar circumstances to submit advice, or to present a request to the Bishop, he will bestow upon the same the best consideration at the earliest opportunity ; and as far as his conscientious obligations will permit, and the welfare of the church will allow, and the honor and glory of Almighty God, in his judgment require, he will endeavour to follow such advice or to agree to such request.

4. No act shall be considered a valid act of the Convention except it shall have been passed by a majority of the clergy and by a majority of the house of the laity, and been assented to by the Bishop or Vicar.

5. In all elections to trust, or places or offices, the decision will be made by a majority of the Clergy and laity voting conjointly, and their choice assented to by the Bishop, except when in any instance a different mode of election shall have been specially provided for.

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#### SECTION IV.

*Powers of General Trustees during recess.*

1. During the recess of the Convention the Board of general Trustees shall have power to suspend any officers or servants whom the Convention has the power of appointing, and to fill their places until the last day of the next Convention.

2. During the recess of the Convention, the Board of general Trustees shall have the power to make any appointments and to fill any vacancies in such cases as the Convention would have power were it in session. But such appointment will not be valid except until the last day of the next Convention.

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#### TITLE VII.

### **AMENDMENT OF CONSTITUTION.**

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#### SECTION I.

*What parts may not be altered.*

1. There are parts of this Constitution which are of the doctrine of the Holy Roman Catholic and Apostolic Church—of course they are part of the Revelation of God ; they are unchangeable, for we

have no power to add to the revelation of God, nor to take from it. Those parts may be known by the decision of the Bishop, or in case of an appeal from his decision, by the testimony and decision of the See of Rome; which decision shall be final and conclusive.

2. There are parts of this Constitution which are matter of divine institution; they are unchangeable; for no human power has authority to change the institutions of God. Those parts which are of divine institution may be known in the same manner as those parts which are of doctrine.

3. There are parts of this Constitution which are of the general discipline of the holy Roman Catholic and Apostolic Church; those parts, so far as regards our power are unchangeable; because the Church of South-Carolina, being only a very small portion of the Universal Church, is bound by the general laws of the same; and hath not authority to alter the enactments of the supreme legislature of that body of which it is so small a particle: neither hath the Church of South-Carolina power to withdraw itself from the observance of the general discipline of the Universal Church without thereby separating from its communion, and thus incurring the guilt of schism. Those parts which are of such general discipline may be known in the same manner as those which are of doctrine, or those parts which are of divine institution.

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## SECTION II.

*What part the Bishop may change.*

1. There are parts of this Constitution which are part of the special ecclesiastical discipline of the Diocese of Charleston, and which are enacted by the Bishop, who by divine institution is the proper and competent ecclesiastical legislator thereof:

those parts are distinguished from the former as they relate only to this Diocess, and from the parts recited in Sec. III. and may be known by the Bishop's testimony and decision, which in that case is final and conclusive.

2. Those parts of this Constitution which are of the special ecclesiastical discipline of the Diocess of Charleston, may by the Bishop of the Diocess be altered and amended as he may see cause ; especially after he shall have advised with his Diocesan Synod thereupon, according to the Canons and usages of the Church ; but such consultation, though useful, is not essential.

3. But the said special discipline of the Diocess of Charleston, and its alterations and amendments, must be not in opposition to, but in conformity with the doctrine and general discipline of the Church, and the divine institutions ; upon all which matters, in case of doubt, or of appeal, the supreme See of Rome is to judge and determine ; and such judgment and determination shall be final and conclusive.

—:000:—

### SECTION III.

*What parts may be amended by the Convention, and how.*

1. The parts of this Constitution, which regard the collection and regulation of property, the appointment of Trustees, and lay-officers and servants ; the qualifications for lay-delegates, and Vestrymen, and voters, and generally all the parts thereof which are not of or belonging to the divine institution, or the doctrine or general discipline of the Church, or the special discipline of the Diocess of Charleston, may be altered and amended in the following manner only, viz :

1. A copy of the proposed alteration, addition, or amendment shall be laid before the Bishop with

a request to know whether the same is compatible with the doctrine and the general discipline of the Church, and with the special discipline of this Diocess and with the divine institutions.

2. Should the Bishop answer that he judges such alteration &c. to be so compatible, the said propositions in the same words in which they shall have been returned by the Bishop shall be submitted to the two houses of the convention, and if a majority of each house should concur in their support, they shall be submitted to the Bishop for his approbation.

3. Should the Bishop approve the alterations so concurred in, he will send copies thereof to the several vestries of the State, who will, as soon as may be, signify their assent or dissent to the Bishop.

4. Should two thirds in number, of the Vestries, approve of the propositions so sent to them, and the Bishop continue of the same judgment as before, he will at the next Convention signify the same to both houses, and the said proposed alterations, or additions, or amendments shall then be finally submitted to the decision of those houses, and should a majority in each house be in favour of the same, they shall then be part of this Constitution.

2. But should a majority of both houses differ from the Bishop respecting the nature of the said proposed alterations, as to their compatibility with the doctrine and general discipline of the Church, or the divine institution, they may of course appeal from his judgment to the See of Rome, but pending the appeal they must conform to his judgment.

3. And should the judgment of the Bishop be set aside upon such appeal, he shall not thereby lose his power of assent or dissent which he possesses as one branch of the Conyention.

**DECLARATION.**

*To be made by persons entering into office.*

*I do solemnly promise and declare that I will in all things, to the best of my knowledge and ability observe and maintain the doctrine and discipline of the holy Roman Catholic and Apostolic Church, and especially the discipline and statutes of the Diocese of Charleston, and the Constitution, laws, rules and correct usages of the Roman Catholic Church of South-Carolina.*

*Also, that I will to the best of my knowledge and ability discharge the duties of [here name the office] for the benefit of religion, the welfare of the Church and the promotion of virtue ; that I will diligently consult how those great objects may be furthered, and that in all my expressions of official opinion and votes I will endeavour to further the same.*

*And also, that I will honestly and conscientiously concur for the promotion of religion in all appointments to places and offices under the Constitution of the Church, and in the collection and expenditure of money, and in the examination of accounts, and generally that I will discharge the duties of the said office truly, honestly and diligently to the best of my ability and knowledge, for the welfare and credit of the Church and the honor and glory of Almighty God.*

## STATUTE OF THE DIOCESS OF CHARLESTON

### *Concerning Gratuities.*

WHEREAS, it is a most ancient and laudable custom of universal prevalence, that at the time of performing any special spiritual duty, those persons in whose favor, or at whose desire it was performed, as well as their friends, should bestow some favor or gratuity upon the person who administered, or officiated.

And, whereas, in the Christian Church the occasions have been, chiefly, those of administering the sacraments of Baptism and of Matrimony.

And, whereas, the giving, or the receiving any thing temporal in exchange for, or as an equivalent for, any thing spiritual, is the crime of simony.

And, whereas, it is necessary to draw an accurate line of separation, between the aforesaid laudable, universal and ancient custom; and the crime of simony.

We do hereby declare, that every clergyman of this Diocess being in charge, is bound to administer the Sacraments, without any view to remuneration, to all those persons properly disposed, and qualified therefor, being within the district of which he is in charge, and applying for the same; whether they have contributed towards his support in the manner provided for in the constitution of the Diocess, or not; and whether he expects from them any gratuity, or not.

And we admonish the said clergymen, that as ministers of the Sacraments of our Lord Jesus Christ, they do exhibit themselves equally ready and willing to attend for their administration to the poor, and to those who have neglected the duty of contributing to their support; as to wealthy, and to those who have performed their duty in contributing towards the support of their pastors and of the church.

And we do hereby declare to be suspended by the very fact, each and every clergyman, who shall bar-

gain for any special ; or any remuneration for the administration of a Sacrament, or who shall withhold or delay the administration of any Sacrament, merely because he has not received, or does not expect to receive any gratuity because thereof, or merely because the person applying therefor, has not previously discharged his duty of contribution to the support of the church or of its pastors.

But nothing in this statute shall be construed to prevent his receiving such gratuity as may be freely offered, after the administration, nor to discourage the faithful from such pious contribution.

✠ JOHN, BISHOP OF CHARLESTON.

## NOTIFICATION.

### TO THE DIOCESS OF CHARLESTON.

WHEREAS the holy and oecumenical council of Trent, did, in its xxii. Session, chap. xi. *on Reformation*, following the example of several most ancient councils and renewing and confirming their statutes and decrees : enact to the following effect, viz :

“ That should any clergyman or lay-man, of what degree soever, seize upon any of the property or income of the Church, or of the Poor, or destined for works of Piety, or charity ; or by any contrivance or threats, prevent its being fully and faithfully applied to the purposes for which it was originally intended ; such person should be and should continue under excommunication, until he shall have made full restitution to the injured parties : and should moreover lose his ecclesiastical privileges. And should any clergyman be aiding or consenting thereto, besides the above punishment, he should be disqualified for any promotion, and suspended according to the discretion of his Ordinary from the discharge of the duties of the order or office in which he may be.”

Now we declare and publish, that the above Statute is of full force and authority in the Diocess of Charleston, and do require strict attention to be paid to its provisions by the Clergy and Laity, and especially by the several Trustees, and other officers.

✠ JOHN, BISHOP OF CHARLESTON.

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